IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE SRI JUSTICE A. GOPAL REDDY

WRIT PETITION No. 6443 OF 2001

Date:08.08.2007

BETWEEN:

Rangu Chandram

…. PETITIONER

And

1. The Executive Director, FAC, Medak District Schedule Caste Service Cooperative Society, Sanga Reddy, and others.

…. RESPONDENTS

ORAL ORDER:

The petitioner filed this writ petition challenging the seizure of the vehicle bearing registration No.A.P 23 T. 3491 by the second respondent on 8.03.2001 and keeping the same in his custody as per the instructions of the first respondent dated 21.12.2000 and 16.02.2001.

The first respondent filed counter affidavit stating that the first respondent-Society was registered under the A.P. Cooperatives Act to evolve schemes for the upliftment of the Scheduled Caste beneficiaries and implement the same. During the year 1995-96, it has introduced a scheme under NS FDC project for sanction of amounts to the Scheduled Caste unemployed youth for purchase of assets for their livelihood. The third respondent herein has been sanctioned one DCM Eicher van under NSFDC Scheme vide proceedings dated 21.11.1996 and accordingly loan was also sanctioned as per the terms and conditions of the scheme. As per the allotment, the third respondent has to pay the loan amount in 60 monthly instalments at the rate of 6% interest per annum and shall not transfer the vehicle to any others either for sale or to operate the same and he has to operate the vehicle of his own. The third respondent made a representation to the first respondent on 05.07.2000 stating that since he was not having sufficient amount to pay earnest money deposit and also for registration and insurance, he obtained hand loan of Rs.75,000/- from the petitioner herein, and for due recovery of the said amount the petitioner kept the vehicle with him by force. On such representation being made, the first respondent made a complaint to the second respondent stating that the

vehicle was mortgaged in its favour and keeping the vehicle by the petitioner is unauthorized and against the rules since the same is Government property and hence it has to be recovered from the possession of the petitioner. On such complaint being made to the Station House Officer, the police seized the vehicle from the petitioner and handed over the same to the third respondent.

When the petitioner has no right to keep the vehicle of the third respondent mortgaged in favour of the first respondent under the scheme, recovery of vehicle by the second respondent on the instructions of the first respondent does not suffer from any illegality, and the financer is always entitled to seize the vehicle whenever it was misused by the person with whom they have financed. In view of the same, I see no reason to entertain the writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

_____

(A. GOPAL REDDY, J.)

8th August, 2007
Js.